

Message Text

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TO AMEMBASSY NEW DELHI

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PLEASE PASS TO H.B. SCHAFER

E.O. 11652: N/A

TAGS: OGEN, IN

SUBJECT: REQUEST FOR MATERIAL ON CONGRESSIONAL OVERSIGHT
OF FOREIGN INTELLIGENCE

REF: NEW DELHI 1503
BEGIN LIMITED OFFICIAL USE:

1. FOLLOWING IS A REVIEW OF THE CONGRESSIONAL OVERSIGHT OF
FOREIGN INTELLIGENCE ACTIVITIES PREPARED BY WALT ANDERSEN
IN RESPONSE TO REFTEL. A PACKET OF MATERIAL DEALING WITH
THIS SUBJECT HAS ALREADY BEEN POUCHED AND SHOULD REACH
YOU SHORTLY. END LIMITED OFFICIAL USE.

2. BEGIN UNCLASSIFIED - CONGRESSIONAL OVERSIGHT OF FOREIGN
INTELLIGENCE ACTIVITIES OF THE USG, PRIOR TO CREATION OF
THE HOUSE AND SENATE SELECT COMMITTEES ON INTELLIGENCE
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OVERSIGHT, WAS DIVIDED AMONG A NUMBER OF SENATE AND HOUSE
COMMITTEES. THE DECISION TO CENTRALIZE JURISDICTION IN
THIS AREA WAS REACHED AFTER EXTENSIVE HEARING BEFORE
TEMPORARY SELECT COMMITTEES IN BOTH HOUSES. THESE COMMIT-
TEES CONCLUDED THAT A SINGLE OVERSIGHT COMMITTEE IN EACH
HOUSE WAS NECESSARY TO PROVIDE COMPREHENSIVE COVERAGE OF
THE BROAD SPECTRUM OF POLITICAL, ECONOMIC, AND MILITARY
INTELLIGENCE. MOREOVER, IT WAS FELT THAT CENTRALIZATION
WOULD BETTER PROTECT CLASSIFIED INFORMATION. CONSEQUENTLY,

EACH HOUSE ESTABLISHED A SELECT COMMITTEE ON INTELLIGENCE (THE HOUSE IN JULY, 1977, AND THE SENATE IN MAY, 1976.) IN ADDITION, PERTINENT SUBCOMMITTEES OF OTHER CONGRESSIONAL COMMITTEES (E.G., APPROPRIATIONS) ALSO TAKE AN INTEREST IN INTELLIGENCE MATTERS, ALTHOUGH PRIMARY JURISDICTION LIES WITH THE SELECT COMMITTEE.

3. THE TWO SELECT COMMITTEES HAVE VERY SIMILAR PROVISIONS ON MEMBERSHIP, JURISDICTION, AND PROCEDURE. (WE SHALL USE THE SENATE COMMITTEE, THE OLDER OF THE TWO, AS THE MODEL HERE.)

MEMBERSHIP ON THE SELECT COMMITTEE IS STRUCTURED TO REPRESENT THE INTERESTS OF THE GENERAL MEMBERSHIP, SINCE IT MUST OFTEN ACT WITHOUT INFORMING THE FULL HOUSE. THE SENATE COMMITTEE HAS 15 MEMBERS, EIGHT FROM THE FOUR STANDING COMMITTEES WITH A DIRECT INTEREST IN AN ASPECT OF FOREIGN INTELLIGENCE (I.E. APPROPRIATIONS, ARMED FORCES, FOREIGN RELATIONS, AND JUDICIARY). THESE MEMBERS, FOUR FROM EACH OF THE TWO MAJOR PARTIES, ARE CHOSEN BY THE PRESIDENT PRO TEMPORE IN CONSULTATION WITH THE MAJORITY AND MINORITY PARTY LEADERS. THE REMAINING SEVEN MEMBERS, FOUR FROM THE MAJORITY PARTY AND THREE FROM THE MINORITY, ARE ALSO LIMITED OFFICIAL USE
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SELECTED BY THE PRESIDENT PRO TEMPORE IN THE SAME MANNER. THE MAJORITY AND MINORITY LEADERS OF THE SENATE SIT AS EX-OFFICIO MEMBERS WITHOUT VOTING RIGHTS. TO ENSURE ROTATION, ONE-THIRD OF THE COMMITTEE MEMBERS WILL BE NEW FOR EACH CONGRESS, AND NO SENATOR MAY SERVE FOR MORE THAN EIGHT CONTINUOUS YEARS.

4. THE GENERAL POWERS OF THE SELECT COMMITTEES ARE SET FORTH IN THE ENABLING LEGISLATION (SR 400 AND HR 658). EACH HAS OVERSIGHT POWER OVER ALL FOREIGN INTELLIGENCE ACTIVITIES OF THE USG. THIS REQUIRES TIMELY ACCESS TO INFORMATION AND KNOWLEDGE OF COVERT ACTIVITIES. THE DIRECTOR OF CENTRAL INTELLIGENCE, THE SECRETARY OF DEFENSE, AND THE DIRECTOR OF THE FBI ARE REQUIRED TO SUBMIT REPORTS ON OVERT AND COVERT ACTIVITIES AND TO INFORM THE COMMITTEE IMMEDIATELY UPON DISCOVERY OF ANY INTELLIGENCE ACTIVITIES CONSIDERED TO BE VIOLATIONS OF AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS, OR OF LAW, EXECUTIVE ORDERS, PRESIDENTIAL DIRECTIVES AND DEPARTMENTAL RULES. THE SELECT COMMITTEE, MOREOVER, HAS THE RIGHT TO CONDUCT INVESTIGATIONS INTO ANY MATTER DEALING WITH FOREIGN INTELLIGENCE ACTIVITIES AND COLLECTION, TO REQUIRE BY SUBPOENA THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF CORRESPONDENCE, BOOKS, PAPERS, AND DOCUMENTS. THE COMMITTEE ALSO IS AUTHORIZED TO COLLECT BUDGET REQUESTS AND TO RECOMMEND BUDGETS TO THE SENATE; THIS FOLLOWS REGULAR APPROPRIATIONS PROCEDURES.

IT IS TASKED TO STUDY THE EFFECTIVENESS OF PLANNING, GATHERING, USE, SECURITY, AND DISSEMINATION OF INTELLIGENCE INFORMATION.

5. BESIDES MAKING PERIODIC REPORTS TO THE SENATE ON ITS FINDINGS, THE COMMITTEE HAS THE RIGHT TO PROPOSE LAWS THAT WILL GOVERN THE CHARTERS OF INTELLIGENCE DEPARTMENTS OR AGENCIES, AS WELL AS TO PROPOSE CHANGES OF SENATE RULES AND EXECUTIVE ORDERS TO IMPROVE THE PROTECTION OF INTELLIGENCE AND TO ESTABLISH A UNIFORM SET OF DEFINITIONS AND LIMITED OFFICIAL USE
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TERMS TO BE USED IN POLICIES AND GUIDELINES. THE SELECT COMMITTEE MAY ALSO PROPOSE THE RELEASE OF CLASSIFIED INFORMATION WHEN IT DEEMS THAT SUCH DISCLOSURE WOULD SERVE THE PUBLIC INTEREST. A COMPLICATED SET OF REGULATIONS REQUIRES CONSULTATION WITH THE PRESIDENT AND, IN THE EVENT OF A DISAGREEMENT, A VOTE IN THE FULL SENATE, WHICH MAY IN CLOSE SESSION BY MAJORITY VOTE APPROVE DISCLOSURE OF CLASSIFIED INFORMATION. (THE COMMITTEE HAS ALSO ESTABLISHED A PROCEDURE FOR HANDLING UNAUTHORIZED DISCLOSURES OF ITS OWN MEMBERS AND STAFF.)

6. SINCE THE SELECT COMMITTEE'S ESTABLISHMENT, IT HAS WORKED OUR PROCEDURES TO STRENGTHEN ITS OVERSIGHT RESPONSIBILITIES. THE COMMITTEE REQUIRES NOTIFICATION OF COVERT ACTIONS AFTER PRESIDENTIAL APPROVAL, AND A TERMINATION REPORT IS ENCOURAGED. MOREOVER, THE COMMITTEE RECEIVES SEMI-ANNUAL STATUS REPORTS ON ALL CURRENT COVERT ACTIVITIES. THE COMMITTEE, IN THE PREPARATION FOR MARK-UP AND REPORTING OF THE FIRST AUTHORIZATION BILL, REVIEWED ALL COVERT ACTION PROJECTS AND FORMALLY VOTED ON EACH PROJECT.

7. THE SELECT COMMITTEE CREATED A "SUBCOMMITTEE ON SECRECY, DISCLOSURE AND CLASSIFICATION." IT HAS BEEN ASKED TO DEVELOP RECOMMENDATIONS, FOR POSSIBLE LEGISLATIVE OR EXECUTIVE ACTION, TO STRIKE A MORE WORKABLE BALANCE BETWEEN THE NECESSARY SECRECY AND THE RIGHT OF THE PEOPLE TO BE INFORMED ON THE ACTIVITIES OF USG AGENCIES. THE OBJECTIVE IS TO FRAME STATUTES THAT DEFINE MORE PRECISELY THE BASIC FOR THE CLASSIFICATION OF MATERIALS.

8. THE COMMITTEE HAS ALSO ESTABLISHED A "SUBCOMMITTEE ON INTELLIGENCE AND THE RIGHTS OF AMERICANS". IT HAS ADVISED THE ATTORNEY GENERAL THAT IT EXPECTS TO BE NOTIFIED OF LIMITED OFFICIAL USE
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VIOLATIONS OF THE CONSTITUTIONAL RIGHTS OF ANY PERSON OR

OTHER VIOLATIONS OF LAW. SUBSEQUENTLY, AN AGREEMENT WAS REACHED ON REPORTING, POLICY, AND GUIDELINES.

9. THE SELECT COMMITTEE'S "SUBCOMMITTEE ON COLLECTION, PRODUCTION AND QUALITY OF INTELLIGENCE" IS THE FIRST CONGRESSIONAL EFFORT BOTH TO OVERSEE AND TO EVALUATE THE PROCESS OF

INTELLIGENCE PRODUCTION AND ANALYSIS. IT IS WORKING ON A SERIES OF CASE STUDIES INTENDED TO PROVIDE THE CONGRESS, THE INTELLIGENCE COMMUNITY, AND THE PUBLIC A BETTER UNDERSTANDING OF THE ANALYTIC PROCESS AND PROBLEMS RELATING TO INTELLIGENCE PRODUCTION.

10. BOTH THE EXECUTIVE BRANCH AND THE SENATE HAVE RECOMMENDED CHANGES IN THE ORGANIZATION OF THE INTELLIGENCE COMMUNITY TO IMPROVE ITS EFFICIENCY, ANALYTIC CAPACITY AND THE SECURITY OF INFORMATION (I.E., EXECUTIVE ORDER 12036 ON JANUARY 24, 1978, AND S 2525 ON FEBRUARY 9, 1978.) A SUMMARY OF S 2525 WILL BE FORWARDED WHEN IT AND RELATED DOCUMENTS ARE RELEASED TO THE PUBLIC. END UNCLASSIFIED. VANCE

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